

**REMARKS**

In the Non-Final Office Action, the Examiner has rejected claims 5-10 and 28 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In response thereto, Applicant has amended claim 5 and its dependent claims to recite "a device". Also, claim 5 has been further amended to delete the phrase "to a microphone of a telephone set" to address the Examiner's concern.

With regard to the Examiner's rejection of claim 28, Applicant respectfully submits that this claim clearly recites a method for initiation of contact between the seller and the customer as defined on line 11. That is, data may be transferred between devices by connection with a telephone network.

In Item 5 of the Office Action the Examiner has rejected claims 1 and 21 under 35 U.S.C. § 103(a) as being unpatentable over US 5,757,917 to Rose et al. (hereinafter referred to as 'Rose') in light of US 5,737,610 to Sandig et al. (hereinafter referred to as 'Sandig') and US 5,396,546 to Remillard (hereinafter referred to as 'Remillard').

By way of general background, the current claims are directed to a catalog phone sales terminal for sending information from a base station to called stations over a telephone line. The telephone set includes, *inter alia*, a data memory for storing information received from one of the called stations (a seller), which may include information about the customer as well as credit card information. Storing information received from the seller in the customer's telephone set memory allows for the

subsequent sending of information to a new seller without the need for re-entering the data, saving time and connection costs.

In contrast, Rose is directed to a computerized payment system for purchasing goods and services on the Internet. Rose is an electronic transaction system that is specifically used over the Internet, and requires users to have email access. This is to enable the users of the system, both buyers and sellers, to communicate and confirm or authorize transactions. However, the reference is wholly silent with regard to the feature of the user's information being sent back to the user from the seller and stored in data memory for subsequent transactions. Employing the system of Rose, the user is required to resubmit the relevant information for each subsequent transaction.

Further, Applicant respectfully submits that Sandig and Remillard do not teach or fairly suggest this feature of the user storing the relevant information that can be easily accessed by the seller upon approval by the user, for subsequent transactions. Therefore, Applicant respectfully traverses the Examiner's rejection of claims 1 and 21 under 35 U.S.C. § 103(a).

In Item 6 of the Office Action the Examiner has rejected claims 15 and 28 under 35 U.S.C. § 103(a) as being unpatentable over US 5,715,399 to Bezos (hereinafter referred to as 'Bezos ('399)') in light of US 5,727,163 to Bezos (hereinafter referred to as 'Bezos ('163)') and US 5,717,923 to Dedrick (hereinafter referred to as 'Dedrick').

Bezos ('399) is directed to a secure method and system for communicating a list of credit card numbers over a non-secure network.

Applicant respectfully submits that there is no disclosure in Bezos ('399) of the feature of the seller sending customer information directly to the customer's memory for use in subsequent transactions. The cited reference simply provides a list of numbers to the user and in no way influences further transactions without the need for tediously re-entering the customer's information.

Dedrick teaches a system that dynamically customizes electronic information to individual end users. Despite this system of storing the user's profile, the customer's information is not directly transferred to the user and stored on a respective memory device for sending and receiving orders for goods. The user information of the system of Dedrick is stored in a personal profile database and is located in what is referred to as a "client system". The customer must log-on to the front end of the GUI to be identified. There are no user inputs for transactions of goods or services, and the system relates only to a 'roaming' profile that provides a familiar setting for the user.

Bezos ('163) is related to the Bezos ('399) patent, and does not disclose a system where the seller stores customer information at the customer memory for subsequent transactions. Any subsequent transactions in Bezos ('163) require the customer to tediously re-insert the relevant information. Therefore, Applicant respectfully submits that Bezos ('399) in light of Dedrick and Bezos ('163) does not teach or even suggest the feature of storing the customer's information in the customer's memory for subsequent transactions as defined in claims 15 and 28, and requests the objection be withdrawn.

With regard to item 7 of the Office Action, the Examiner alleges that claims 5-10 and 22-27 are not patentable with regard to US 5,343,519 to Feldman (hereinafter referred to as 'Feldman') in light of US 4,491,172 to Winebaum et al. (hereinafter referred to as 'Winebaum').

Applicant respectfully submits that Feldman does not disclose an external memory that loads information into the device memory that was received from the seller. The Examiner has noted the central programming station of Feldman and has concluded it to be the same as that defined in claims 5-10 and 22-27.

Applicant respectfully points out that the programming station mentioned in the cited art is pre-programmed and the information contained therein is not transmitted from a seller's memory to the customer's memory. Further, Winebaum fails to teach or fairly suggest this advantageous feature of the seller storing customer information in the customer's device memory, and refers only to preprogrammed autodialing. Therefore, Applicant respectfully submits that the combination of these two documents is inappropriate to state that claims 5-10 and 22-27 are unpatentable.

Accordingly, Applicant traverses the Examiner's rejection, and requests it be withdrawn.

The Examiner has tentatively raised several further citations and states that they are considered pertinent to the Applicant's disclosure in Item 8 of the Office Action.

Applicant respectfully submits that the Examiner's high level interpretation of these documents is not considered valid as clearly the citations in no way teach or fairly suggest, when considered alone or in combination, the feature of the customer

information being transmitted by the seller and stored on the customer's memory for subsequent transactions.

Therefore, Applicant respectfully requests that this Amendment be entered by the Examiner, placing the claims in condition for allowance. Applicant submits that the proposed amendment of claim 5 and its respective dependent claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner. Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks and amendments, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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